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March 22, 2024

By ECF

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v. David Peres*, No. 23 Cr. 194 (S.D.N.Y.)

Your Honor:

With the consent of the government, I write to request an adjournment of sentencing from April 2 to May 29, 2024. The first draft of the PSR was disclosed last week, and I reviewed it with Mr. Peres at the Windsor Park Nursing Home today. In the course of our review, a few issues were raised that require me to do some factfinding.

Additionally, as the Court is aware, Mr. Peres has numerous medical issues some of which have not been diagnosed and some of which have been differentially diagnosed. According to Mr. Peres, he was seen by a neurologist this week, a visit that he has been expecting for over a year. I do not have the medical notes from that visit yet. After I speak with the neurologist, I am hopeful that I will be able to give the Court more clarity as to Mr. Peres's physical condition, prognosis and course of treatment.

Approximately three weeks ago, with the government's generous assistance, I received updated medical notes that cover Mr. Peres's treatment during 2023. Previously, the notes I received were current through the end of 2022. I am currently working my way through the 400-plus pages of new medical notes. I am also awaiting letters family and other supporters.

Accordingly, I am seeking an adjournment of the April 2 sentencing hearing. Chambers has informed me that May 29, 2024, at 2:00 PM is a convenient time for the Court. I have conferred with AUSA Benjamin Klein, who advises me that the government has no objection to this request. Thank you for your attention to this application.

Respectfully submitted,

Ezra Spilke

/s/ Ezra Spilke

(initials)

Se. Chkd. d-

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Hon. Kenneth M. Karas

March 22, 2024

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cc: All counsel of record, by ECF
Nichole Brown-Morin, USPO, by email